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KEN WEBER, CHAIR

CHUCK NOTBOHM

TOM LYTHGOE

**PROCEEDING OF THE BOARD OF COMMISSIONERS  
COUNTY OF JEFFERSON, STATE OF MONTANA  
February 19, 2008**

**Present:** Commissioners Lythgoe, Notbohm and Weber; Rod Caldwell, USGS; Matt Johnson, County Attorney; Carl Purdy, IT Manager; Melissa Morris, GIS Mapping Tech; Rick Hotaling, BLM; Bill Lloyd, Great West Engineering; Harold Stepper, County Planner; Mark Gornick, Jefferson Valley Conservation District; Jan Anderson, *Boulder Monitor/Jefferson County Courier*; Marga Lincoln, *Helena Independent Record*; Greg Duncan, Joe Schmaus, Richard Schmaus, Bruce and Mary Bannon, Sheila Pfeifer, Jack Dawson, Gary Hill, Mike and Jan Schossow, Sherry Meador, Karen Hudson, Vi Beer, John Kinneck, Ed Warren, Jim Hill, Ray and Cheryl Cope, Carolyn Henry, Vern Grimsrud, Cathy Brimhall, Bert Grimsrud, Scott Allen

**MINUTES**

Commissioner Weber moved to approve minutes of January 15. Commissioner Notbohm seconded. The motion carried.

**CALENDAR REVIEW**

- 2/20 Meeting at Golden Sunlight - 9:00  
Elkhorn Mine Working Group - 10:00  
JLDC tour of Boulder Hot Springs - 1:00  
JLDC meeting - 2:00  
Animal Shelter meeting - Whitehall - 4:30
- 2/21 CTAC - Whitehall - 8:00  
RMDC - Helena - 3:30  
Health Board - 6:30
- 2/25 Center for Mental Health - Great Falls - 10:00

**COMMISSION REPORTS**

February 19, 2008 minutes.wpd

### SOUTH CAMPUS SUBDIVISION

Commissioner Lythgoe reported that 10:00 on Thursday Tom Harrington was up to talk about the subdivision of the south campus. They have withdrawn their subdivision application. There are some things that need to happen before they proceed.

### ELKHORN WORKING GROUP

Commissioner Lythgoe reported that he attended the Elkhorn Working Group meeting on Thursday. A public meeting is scheduled for March 4<sup>th</sup> at 6:30 at the Red Lion in Helena. The Elkhorn Working Group is making some recommendations regarding vegetation management in the Elkhorns. Invitations will be sent out. They are expecting 75-100 people to attend, and he will be attending. This was the primary discussion of the working group meeting.

### MONTANA TUNNELS ADVISORY GROUP

Commissioner Lythgoe reported that he also attended a MTAG meeting at 5:00 that night. They received an update from Tunnels. The EIS is out on the table for public comment. It was supposed to be out for 45 days, but BLM asked for an addition 15 days, pushing it to 60 days. There will hopefully be a public meeting during that time period, to be held in Clancy, probably in early March. There are over 200 miners currently employed. If they get timely approval, they may not have to shut down. Even if it is approved, need \$40 million for start-up. He stated that by no means is it in the bag that they will continue operating. He is hopeful that they will extend the mine life.

### WEED BOARD

Commissioner Lythgoe reported on the Weed Board meeting at 6:00 on Thursday. They discussed grants. Sam passed out a list of all of the private individuals that have convinced to do some work on their own, including some that have been non-compliant and the county did the work, and a list of people who have used our services over the past year. The lists were pretty extensive. Sam's assistant gave a power point presentation. They did bring up the grasshopper issue, and Sam indicated that Commissioner Weber had indicated that we aren't going to go there. This is a huge problem in the county, so Commissioner Lythgoe encouraged him to contact the new extension agent to work cooperatively. They will pursue that.

### MACo CONFERENCE

Commissioner Weber reported that he attended MACo most of last week. He got back in time for a meeting at Golden Sunlight Mine. They discussed the wind project and the CREBs project. There will be another meeting next week which he will also be attending. Whitehall and Jefferson County were successful in application. MACo was a good networking opportunity. He brought a lot of information back that he will circulate. He sat in on a discussion regarding fire regulations. They discussed Fire Logistics' efforts to change subdivision regulations throughout the counties and MACo is going to do a lot of research and try figure out any changes in rules and definitions by the state so that we aren't the ones trying to make the rules and getting sued to do it, but to get more standardized language. Hopefully something will come out of this in the future.

### PETITIONED ROAD

Commissioner Weber reported that he and Melissa Morris viewed the potential county road on Friday.

## **ITEMS FOR COMMISSIONERS ACTION OR REVIEW**

### **PUBLIC HEARING ON PETITION TO ABANDON COUNTY RIGHT-OF-WAY**

Commissioner Weber called the public hearing to order and read the certification from Bonnie Ramey, Clerk and Recorder, certifying the petition (on file in the Clerk and Recorder's office).

Greg Duncan stated that it is his understanding after to speaking to some of the people that are at this meeting that there have been some individuals calling them and talking to them regarding the abandonment process. This individual has indicated to a few people that if the Commissioners were to grant the petition, it would also close Hill Brothers Road and Jackson Creek Road. Greg said that attached to his petition was a GLO map from the Bureau of Land Management. Regardless of if they call it Picayune Road, or Clark's Road, the road is clearly depicted on the map and that is the road that he is asking to be abandoned and he is in no way asking the Commission to do anything that would close or adversely impact the road known as Hill Brother Road. He thinks that he has gathered the signatures of virtually all, if not all, of what they consider the affected landowners, which they considered the people that this road ran through their places. Greg stated that they got the signatures of most of the second-tier people out from the road, and it is his contention that all affected people have been notified and the petition process has been followed properly. Greg noted that he has also heard rumblings that if this access is closed, it would shut off access to BLM property. BLM property is also accessible from Holmes Gulch and Tucker Gulch via Big Indian Mine Road. Also, the road that he is petitioning would require some sort of survey to make sure where the right-of-way is located.

Commissioner Weber called for comments in favor of the petition.

Sherry Meador, 68 Hill Brothers Road, stated that she and her family have lived there for 15 years. She is most certainly for the petition to abandon the county road.

John Kinnick, 80 Hill Brothers Road, stated that he has lived up there for 10 years and has owned the property for almost 20 years. He agrees with Greg in abandoning the road.

Karen Hudson, 32 Hill Brothers Road, stated that she has lived up there almost 20 years. She is in favor of abandoning the road.

Mike Schossow, 64 Hill Brothers Road, stated that he has lived there 21 years and he definitely doesn't want this to go through. Commissioner Weber asked for clarification, if Mike is for or against the petition. Mike stated that he is in favor of the petition.

Bruce Bannon, 84 Hill Brothers Road, stated that he has lived there for 20 years and they concur with the petition. They absolutely do not want a road going through there.

Joe Schmaus asked if the Commission could wait on hearing these comments, as he has additional information that might change some minds. Commissioner Weber stated that they are hearing proponents at this time. If they have to ask if someone has changed their opinion after Joe testifies, that will be fine.

Jim Hill, 112 Hill Brothers Road, stated that he is for the petition.

Bert Grimsrud, 13 Picayune Creek Road, stated that he is for the petition, as long as it is what is he understands it to be.

Ed Warren , 19 Hill Brothers Road, stated that he has lived up there since 1948. He doesn't want the road.

Scott Allen, 44 Hill Brothers Road, stated that he is for the petition.

Sheila Pfeifer, 34 Picayune Creek Road, stated that she does not want the road.

Cheryl Cope, 14 Picayune Creek Road, stated that she is in favor of the petition.

Vi Beer stated that she is in favor of closing and abandoning the road. She stated that she is representing the Hill family.

Hearing no further proponents, Commissioner Weber called for opponents

Joe Schmaus stated that he is opposed to abandoning a portion of this road, particularly that portion that crosses the Hill property from Hill Brothers Road to public land. He doesn't feel that that portion should be included, as it would close access to public lands. He stated that as the Commission knows, he is currently in litigation against the Commissioners involving this short portion, approximately 800 feet of road, that transverses the Hill's property. He has asserted that this portion and this portion only is a county road that provides access to public land. Joe said that Duncan's Exhibit A is the poorest map he has ever looked at; it completely misrepresents the facts here about the abandonment, the map is not to scale, it is not properly scaled over the top of the GIS information that shows the property ownership. Therefore, he feels that it should be removed as a proper map identifying any part of this road. Joe then read a letter from the Public Land Access Association (on file in the Clerk and Recorder's office). The letter cited state statute prohibiting the closure of access to public lands.

Joe stated that his point is that his plight for access on this road is upon only that portion on the Hill's property that was mapped. The map that Duncan used is an 1868 geological survey map, overlaid over a cadastral map. His belief is that the only intention of using that old map is to mislead all the people in this room.

Regarding the other access from Holmes Gulch Road, Joe stated that he and his father fought a lawsuit in 2000 against Bonnie Bompert. In that lawsuit they made sure that the public would have access across their land to the public lands that they are talking about today. He and his father gave up 30 feet of their land in the settlement agreement, and Bompert gave up 30 feet of her land to provide public access to public lands that had previously been landlocked. In doing that, it was agreed that the road would be located on the east section line of MS66, a small placer claim that is shown on Duncan's Exhibit A.

Joe presented pictures to the Commission and asked that those in support of the petition look at them also. Joe noted that these five photos depict the location of the right-of-way that was agreed upon in lawsuit with the Bomparts. That is the only county right-of-way there. As the Public Land Access Association has stated, the only way to close access is if there is another road that provides substantially the same access as what is being abandoned. These pictures show that the only thing that crosses Big Indian Gulch and upper Holmes Gulch is a right-of-way. There is no road, and it is not substantially the same. Joe said that as the people in the room know, Hill Brothers Road is maintained to the Hill's gate. His plight, again, is only about this portion of that road through the Hill property. He feels that Mr. Duncan has misled these people. He has heard that there is talk of a developer up there that wants to develop all this land up there and open up this old road. He has to believe that this is referring to himself, but he is not a developer and has never filed a subdivision plat.

Joe presented a copy of the old 1868 GLO map. He noted that the Duncan map is a portion of this map. Joe pointed out that in the lower right-hand corner it states that this is a map of the survey of the township lines of section 9 north 3 west principal meridian, Montana. Joe said that there is a substantial difference between a map and a survey. A map is created basically to show, as reference, that when the surveyor surveyed the section lines of this township, that there was a road there. It doesn't lock in the location of that road. This is not a survey map, but is a map to show reference to certain things that he crossed, for instance – roads, ravines, creeks. The survey notes are also available in the Clerk and Recorder's office for the survey of that 1868 GLO. In those survey notes for that survey, there is nothing that references the exact location of that road. There are a few notes made by the surveyor that give a vague reference of a road to the mines in Clark's Creek. The surveyor doesn't make any other reference to the road other than when he gets up into the proximity of what is now Hill Brothers Road. At that location he also makes a note that there is a road present on the ground, but nothing that indicates the precise location of the road.

Joe asked Commissioner Weber what he and Pat Melby discussed this weekend. Commissioner Weber stated that Pat's concern is if the Commission abandons this section of road, that they would also be abandoning a portion of Jackson Creek Road and Hill Brothers Road, because in his opinion, the road in question runs in the same track as those two roads. Joe stated that he would like to make a point to the Commission and those present that Pat Melby was one of the attorneys, as was Greg Duncan, in the litigation over another portion of this road in northern Jefferson County, the same exact road that is shown on the 1868 GLO map. This map was submitted into evidence and was reviewed by the District Court, as well as the Supreme Court. In review of GLO map, the Supreme Court ruled that Holmes Gulch Road was a Jefferson County road, but did not determine that the location of the road on the map was the exact location of the road on the ground. That is the point that he is trying to make; that map is only a representation that there was a road there. If people will look at the 1868 GLO map, they will see that the road ends at the Jefferson County-Lewis & Clark County line. The only road there that is present on the ground that the courts have already reviewed is the furthest north-western extent of this road on this map. Where the road is on ground does not represent where the road is on the map, because the map is a map, not a survey. For that matter, Duncan's Exhibit A notes on the map that it is for general information only, and all locations are approximate.

Joe reiterated that he feels that these people are making a mistake. If this petition passes, someone could come along and argue that they have abandoned their roads because the historic

location of the Clark's Creek Road as it has been referenced to is the Hill Brothers Road and Jackson Creek Road. His predecessors, the Diehl Company, did a land classification survey of the area in 1978. That map showed that the only road present is this road. That road evolved into what these people use daily to access their private property. He feels that it is premature for the Commission to take any action without further research. In doing so, in his view they would not only be breaking the laws of Montana, but they would be abandoning a road that these people are using daily and wasting everyone's time. If it is found that this is that road, and in his litigation against this Commission, he intends to establish that, but only that portion that goes through the Hill's property, as it is his contention that this is Hill Brothers Road.

Downstairs in the Clerk and Recorder's office is a map that has been produced by Jefferson County's GIS Department in 2007. Page D-10 shows Hill Brothers Road, as mapped by the county, as continuing through Hill's property to the approximate location, as a county road, of the BLM land that he is interested in providing access to on this public road. He has abundant information on this road. His attorney has submitted exhibits A – MMM. Joe stated that he knows what the concerns are, but his plight on this road is not about disturbing anyone else's property rights. His position is that the Hills don't have a property right on that portion of road that crosses their property, because it is a county road, established under various laws of the State of Montana. Joe then presented a map that acts as an overlay of the map presented by Mr. Duncan. (On file in the Clerk and Recorder's office.) His overlay, at scale, shows that in fact the 1868 GLO survey, that the blue line road on the Duncan petition map lies, for the most part, on the entire length of the Hill Brothers Road.

Commissioner Weber asked Joe for clarification of a comment he made early in his comments. He noted that Joe said that he settled a lawsuit, case number DV-0210027, between himself and Bonnie Bompert. Each of them gave up 30 feet of access to provide access to public land which up to that point had been landlocked. Joe stated that this is correct. Commissioner Weber stated that if this public land had been landlocked, then that portion of Hill Brothers Road would not have been an access point. So, they provided access to the BLM land and that, to him, gives access to the BLM land. He asked if this is correct. Joe stated that he would agree with Commissioner Weber that this does provide access to the BLM, but only by foot. It does not provide, and statute is very specific, it needs to be substantially the same.

Joe stated that photo 1 shows a fence that he constructed on his property 30 feet off of center line of the county right-of-way. This was accepted by Judge Tucker in his ruling, and that is where the county right-of-way lies. From that point through the rest of the pictures that he handed out is basically walking along that right-of-way photographing. Yes, is a county right-of-way there, but according to statute, it needs to be substantially the same. Hill Brothers Road and Jackson Creek Road are maintained county roads; Holmes Gulch is not a maintained county road and therefore not substantially the same. As the photos show, he couldn't even reach his private property, because Holmes Gulch Road is not plowed. He is aware that it is a non-maintained county road, or that is the Commission's view. He can't get up there on his 4-wheeler with 4-wheel drive. There is nothing of record that shows that another road exists in the area.

Commissioner Weber stated that he is still concerned with his statement that it was landlocked until he and the Bomperts gave the easements. Joe stated that he would withdraw that statement. Joe stated that he isn't some monster that is trying to open a road that might run through someone's house. He doesn't know what Greg Duncan's motivation is, but the public is going to

lose a vital access point to public lands, and not only that, if this road is open, it leads right to the city of Helena. Right at the Lewis and Clark County line, it is approximately four miles to Helena.

Joe said that as far as the road being substantially the same, the Clerk and Recorder basically certified that all adjacent landowners were contacted and permission obtained. The law states all affected landowners should be contacted and that their permission is necessary for the petition to pass. He thinks that it is funny that even though it is shown on the Duncan petition that this road basically is petitioned to be abandoned, (Commissioner Weber interrupted and noted that Bonnie's certificate stated that adjoining landowners were contacted.) Joe thanked him for that clarification, but noted that the law states "affected". Joe noted that on the Duncan petition, the Exhibit A map shows that the road runs right through his property. As he has indicated, the road on the map is not the same as what is on the ground, but how can they say that he is not affected. He asked how the Commission can accept the fact that he is not affected. If he establishes that this road is a county road, then it provides him access down through the Hill property upon a county road connecting to Hill Brothers Road that he can use to get to Montana City. Joe noted that it is eight miles from his property to Montana City; it is a little over three miles if he is allowed to do what he believes is his right, to use a county road through the Hill property. If he built a home on his property on Holmes Gulch, and was a good neighbor to these people, maybe he would make some friends there. If this road is abandoned and he wanted to go visit his friends on Hill Brothers Road, he would have to drive approximately 12 miles to reach neighbors that he would have to drive no more than half a mile if he is successful in proving that this road provides public access to public lands. He is affected – no if, and or buts. He would like to suggest that this matter be tabled until there is further research on the road. If Mr. Duncan wants to proceed, he would suggest that he have the road surveyed, because right now no one in the room knows exactly what they are abandoning. He feels that it would be proper for the Commission to table this; there are questions of law. His overlay shows at scale that this is the same road. Joe explained the overlay, which is basically an overlay of the Duncan petition map, on an aerial photo. When all things are compared, not one of these three roads line up and asked how that is possible if there is not some question about Duncan Exhibit A. He feels that it is premature for the Commission to do anything at this time. He has been presented as the monster that is trying to open this road. Joe stated in closing that he is not a developer, but he does have property up there. It has been asserted that the road that goes through his property that is shown on a 1912 geological survey map may or may not be a county road. If someone brings some evidence to him, because he is about public access to public land, and if evidence supports that this is a county road, he'll be the first one to open it. He feels that this is wrong.

Commissioner Weber called for any other opponents to the petition. Hearing none, asked if anyone had a change of opinion in favor of the petition.

Greg Duncan stated that it was an interesting synopsis of his case against the County, and would ask that the County not cave in to his intimidation. Greg stated that the first thing he would like the Commission to look at is Joe's Exhibit B, which he contends demonstrates that the road that he has asked to be abandoned overlies the Hill Brothers Road, and as a result abandoning this road would be abandoning Hill Brothers Road. Greg approached the Commission and presented the map. He stated that the first thing to note is that if they look at the blue line that Joe drew in, just to the right of that is the Hill Brothers Road shown on that map, essentially in the same place that it is depicted on the map that he attached to the petition. Secondly, Joe has gone to great

lengths to discuss the scaling on the map and that it is not to scale. There was no contention that the map was to scale. The map provided was given to him by the County's GIS department, where the GIS personnel put land ownership on the map. Greg stated that the scale is irrelevant; what is relevant in that map is that it depicts the general location of the road contained herein. If Mr. Schmaus has a problem with that, he is not sure how he rectifies that. No one ever contended that the map was to scale, the map was for demonstrative purposes showing the approximate location of the road that they requested be abandoned. Greg said that the other thing that he think needs to be pointed out to the Commissioners, and he is sure that the Commissioners know this, is that the GLO map provided is not a GLO map. It states, "The above map of township 9, range 3 west, of the principal meridian Montana is strictly conformable to the field notes of the survey thereof on file in this office which has been examined and approved by the US Survey Office." Greg stated that this map is not just a diagram. This is the map that the patents were issued off of for every person that owns land in this township and range in Montana. This isn't a hand-drawn cartoon like Mr. Schmaus would like everyone to believe. He might have a debate or a difference of opinion as to how Jefferson County staff put land ownership on the map, but this is the first original survey by the US government that gave us and our ancestors the right to claim the land. This is not only an official document, but the *first* official document. Greg said that the other thing that he wanted to point out is that there hasn't been a violation of the law. Joe read the law and the law said that there had to be substantially the same access before this road could be abandoned. He went to great lengths and noted three or four times that there isn't even a road here, so how can abandoning this road be abandoning an access that is better than the one on Holmes Gulch Road that he acknowledges there is a road that goes in. He and Bonnie Bompert had a lawsuit and as a result of that lawsuit they established an access down through his property to the BLM. Commissioner Notbohm asked Greg if he is referring to Tucker Gulch or Holmes Gulch. Greg stated that it would be Holmes Gulch that they would come off of; noting that it is his understanding is that Tucker Gulch ends at the county line. Holmes Gulch goes up to the county line and from where Joe's road goes off to the south to the county line, maybe three or four hundred yards. Greg stated that there is an access there, and not only is it substantially the same, it is better, as you can actually drive to it; there is actually a road there. Those are a couple things that he wanted to point out. The Commission can tailor their decision to such a manner that if Joe is right and this road overlies the Hill Brothers Road, then the Hill Brothers Road won't be abandoned.

Joe stated for clarification – Greg is wrong. The map by the surveyor general's office has been referred to by more than one court as the general land office survey. Secondly, he needs to reiterate that there is a substantial difference between a survey and a map. The 1868 GLO showed property that was private or had been claimed at that time by the public for mining purposes, but there is more to that than what Greg has portrayed here. After the GLO was done, the representation of the mining claims on those plats, the surveys are filed in the Clerk and Recorder's office. Not maps, but surveys that line out the exact location of these properties from the township lines that are referred to on the survey map. Commissioner Weber stated that he thinks that it would be easy to grant both of them that there may be question of where that road existed in 1868. Joe stated that he would accept that.

Joe stated that Greg referred to one of his exhibits, he thinks it was Exhibit B, incorrectly. Joe presented his exhibit which shows an overlay of the Duncan petition that shows that both roads match. Exhibit B submitted shows that the road to be abandoned exactly overlays Hill Brothers road. Joe asked the Commission again to put a hold on this, noting that there has to be a lot more



research done.

Vi Beer stated that she was raised in the Jackson Creek area. She rode through what is now the Hill's property on horseback getting cattle and horses out of there; there is no road. This goes back to the mid 30s. That road never used, it was a cow trail. She asked how they could go back and open up a road that has been unused for that long; it is wrong.

Matt Johnson, County Attorney, stated that he has done a lot of research on this. Joe Schmaus is seeking a court order to open up that land via a road that is being contested, number one – has it been in existence, and number two - where is the exact location. One of the biggest problems is that they don't know the exact location. He personally likes Joe, but he says that he is not a developer, but he is aware that Joe is working on a development up Sheep Mountain. He felt that he should reference back to that. He isn't saying that development is bad. Matt noted that he has submitted a memorandum, dated today, addressing a couple issues that have been coming up over the past few days. One of the issues is if all of the affected landowners given notice. There is one person here, Mr. Schmaus, that is claiming he is an affected landowner and should have been given notice. If you look at all of the information that has been presented, the road to be abandoned runs from the BLM line to Jackson Creek Road. He believes the maps don't show an overlay so much on Hill Brothers Road or Jackson Creek, but he believes it may cross over Jackson Creek once and the maps overlaid do not show Hill Brothers running in the same location. Matt stated that half of the problem is that this is a road from long ago that is no longer in place. When Mr. Schmaus and his relatives purchased the property from Diehl, they had access; they had two points of access which they have exercised for logging and some placer mining using the access from Holmes Gulch and Tucker Gulch. That in itself means that he has been using other access, and he really is not affected because he can't use the access that is possibly there that he is seeking a writ of mandamus on. The next landowner is the BLM and they have submitted a letter stating that they have no issue with this because the road is being abandoned prior to their property and they don't use that road and don't believe there is access there. Because Joe can't use and can't access through the Hill's property, and has not been able to use this access since before he was in office, he really is not affected. Additional to this, there has been other litigation that has created county roads in the area. As part of the memorandum he submitted to the Commission, there is a judgment from Bompert versus Schmaus where it actually names three county roads up there. When you lay these three potential county roads and compare them with Placer 66, which the original mining claim up there, the GIS mapping tech has done some work on the roads in the area, it shows that be it Big Indian Road or the Clark Creek Road which is not being abandoned past the BLM, they all approach and cross BLM property. Right there, there is access to BLM. Right now there is no access up Hill Brothers Road, so the two issues there, have all affected landowners been included here, Bonnie Ramey has certified that. The information he has is that this road may not even go through everybody's land that signed the petition, but they are all people up there in the Jackson Creek drainage where depending on where this road is located, it could affect them. That was how Bonnie was able to determine that they needed all of these signatures. Again, with the BLM, there is alternative access. He would ask the Commission to look at his memorandum. Finally, if there is some concern that Hill Brothers Road or Jackson Creek Road may be a part of this abandonment, would ask that in whatever motion they make if they intend to go forward with the abandonment as per the request of these citizens, they entertain language that specifically states that this petition is not to abandon any part of Hill Brothers Road and/or Jackson Creek Road or Picayune Road. He believes that Melissa has looked at a number of these maps, and has made no mention

that this road overlay directly on Hill Brothers Road or Jackson Creek Road. He has yet to see one of her maps that show that.

Joe stated that this being said, why doesn't the Commission just abandon the road from Hill's gate south to Jackson Creek in section 15. Commissioner Weber stated that they are dealing with a petition that asks for a specific thing, so the question is what they are going to do in regards to the petition, and the petition asked for a very specific point-to-point. Joe stated that to touch on what Matt said, Hill Brothers Road was adopted in 1980-something. His contention is that road could overlay the old Clarks Creek Road, and as Matt said, when you are abandoning one, you may be abandoning the other. He would like to remind the Commission that downstairs in the Clerk and Recorder's office is a map that was created by GIS department of their county that shows Hill Brothers Road, as a county road, touches the BLM land, and transverses the Hill property. So, he is all for abandoning this road, if that language is put in there that yes, Hill Brothers Road, because he intends to prove and he will prove that those roads are one and the same.

Rick Hotaling, BLM Butte office, stated that he needed to make a couple of corrections to comments on both sides about the BLM's position about the abandonment of that road. The letter from BLM states that the BLM has no interest in this road, as it does not transverse BLM property, but stops right at the boundary; they neither support nor oppose the petition. If someone was proposing to use the right-of-way that may or may not be there, they would probably have a discussion. That particular piece of BLM land does have access to it as has been stated by both parties. He also noted that from the BLM standpoint, when discussing access, it does not have to be motorized vehicle access, as long as there is access to the public land; he noted that in this case, there is access both ways.

Melissa Morris, GIS Mapping Tech, stated that she has the book that Joe has referred to. There is nothing in there that indicates which roads are county roads and which roads are not. Joe asked Melissa to show cover of book, and noted that it says "official maps". Melissa stated that it is not official. There is nothing to indicate if a road is a county road or not, and she noted that there is a difference between a county road and a road within the county.

Commissioner Weber gave some background as to their responsibility as Commissioners when a petition comes in. He read from statute regarding a petition to abandon a county road or right-of-way. Commissioner Weber stated that upon receipt of the petition, the Commission appointed two viewers, himself and Melissa Morris. He read the viewer's report. (On file in the Clerk and Recorder's office.) It was the recommendation of the examiners that the petition be granted. Commissioner Weber asked Matt Johnson to come forward and stated that he was informed by phone that Joe had requested injunctive relief from District Court to stop this public hearing. He asked if we have received word on that. Matt stated that the Clerk of Court had issued an order from Judge Tucker that basically said, "sorry, but I don't have jurisdiction over the Commission and what they choose to do or not do in this event at this time."

Hearing no further comments, Commissioner Weber closed the public hearing.

Commissioner Weber moved to grant the petition and abandon the possible county road as stated in the petition. Commissioner Lythgoe seconded. Discussion followed. Commissioner Notbohm stated that we have a petition to close a road that isn't even there supposedly, which he

never did agree with. The problem he has with this is that they have been dealing with this for three or four years now, maybe longer. There are several mines up there and at one time there was a stamp mill up there also. That is one part of the issue for him. Reasonable access is another issue. We keep talking about Holmes Gulch, but that is a joke. He has been up it three or four times now, and where it hits Mule Deer, in the bottom of the gulch, that is where reasonable access ends. Although, he believes that Joe is charged for the new RID in the area. Joe stated that his property is, in fact, assessed in the road maintenance district. Commissioner Notbohm stated that he could never understand that, because it isn't reasonable access and isn't something that anybody would want to use.

Commissioner Notbohm stated that the other problem he has is that there must be a road there if they are trying to close it. The road abuts public lands, so it does provide access. They, as a county, have agreed not to close any public access. In this case, he realized that Joe and his family got this property fairly recently. In the past in discussions, they knew they were going to come across some roads that they would rather just go away; this road is one of them. Those mines used to be worked, and the ore was brought down this road. There is even a gate on the Hill's property to show where it goes. The other thing he thinks the Commission would be in error on is that Joe has seven mining claims up there. Joe stated that he has approximately 240 acres up there that is jointly owned by his father and himself. He added that his property lies in the northern Jefferson County zoning district that prohibits subdivision; he couldn't do a subdivision if he wanted to. Commissioner Notbohm stated that he could put one household on each mining claim. Joe agreed that this is true, but noted that most of the claims are in such terrain that he doubted he could sell a house up there. Commissioner Notbohm stated that this isn't the point. The point is that the property is worth a whole lot less if they close access.

Joe asked if in the review of the photos he passed around, Commissioner Weber stated that they haven't seen them yet. Commissioner Lythgoe stated that he saw them as attached to an e-mail. Joe stated that these pictures prove that this is the location of Clarks Creek Road. The pictured fence is on east line of Placer 66, which is shown on the 1868 GLO. The fence line is built 30 feet off of the county right-of-way. Joe stated that he disagrees with Commissioner Weber's findings. Statute states that a county surveyor must be present, and there obviously wasn't. Also, these pictures clearly show that there is no road there, and statute states that it has to be substantially the same. Substantially the same means to him that if there is a road here and there isn't one over there, the public is losing out. Commissioner Weber asked if Joe is contending that this is the other end of the road that isn't there. Joe stated that he photographed each end of the crossing of Big Indian Gulch, which is referred to on the 1868 GLO, the end-line of his property MS-66 is where that crossing is. This is basically photographs to show and prove that there is no right-of-way. Commissioner Weber stated that there is right-of-way, as Joe provided that. Joe stated that there is no road upon the right-of-way. He noted one of the pictures show a pond that is in the right-of-way, and another picture represents the rough terrain that has to be crossed by a road that he believes the county is going to have to construct. Joe said that the pictures clearly represent that there is not a road there. If the Commission accepts this petition, it won't stop here. He finds it kind of convenient that he is involved in this writ of mandamus against Jefferson County to open this road, and the only way he found out about this was through discovery. He doesn't want to litigate this further, but he is prepared to challenge a vote that will provide them with no access on this road.

Commissioner Notbohm stated that as far as he is concerned, there is a road there. He is not for

closing the road; he is not for the petition for that reason. What they need to take a real hard look at is reasonable access. He noted that you can see from the pictures that it hasn't been used for a long time, but access doesn't go away, just because time passes. He feels that this petition is because of Joe, and he should have been notified. He feels that this will devalue Joe's property, and that is wrong. Stating that Holmes Gulch or Tucker Gulch Roads are reasonable alternate access roads is a joke. Because of this, he doesn't feel that they have the right to take it away from him.

Commissioner Weber called for the question. The motion carried with Commissioner Weber and Commissioner Lythgoe voting aye and Commissioner Notbohm voting nay.

#### RESOLUTION 06-2008 ORDER ABANDONING A COUNTY ROAD

Commissioner Weber moved to adopt Resolution 06-2008. Commissioner Lythgoe seconded. Commissioner Lythgoe read the resolution as follows:

#### **RESOLUTION 06-2008**

#### **AN ORDER ABANDONING A COUNTY ROAD**

A petition was filed with the Board of County Commissioners of Jefferson County, Montana (hereinafter, the "Board"), by Rick Abraham; Theresa Abraham; Gayle Allen; Scott Allen; Paula Anders; Nicole Anderson; Joe Angell; Meg Angell; Jeff Applin; Elaine Applin; Ashgrove Cement by Richard Johnson; Jessica Bailey; Bruce Bannon; Mary Ann Bannon; Ted Bigart; Susan Bigart; Cathy Brimhall; Dan Brimhall; Raymond Cope; Cheryl Cope; Rory Copeland; Greg Duncan; Ann Felstet; Tom Felstet; Rickerd Felstet; Margaret A. Felstet; Thomas Felstet; Ann Felstet; Cheryl Fraser; Larry Goll; Barbara Goll; Gayle Grimsrud; Vernon Grimsrud; Dorthy Hill by Jim Hill w/ POA; Henry Hudson; Karen Hudson; Carolyn Jensen; Neils Jensen; Russell Katherman; Jennifer Katherman; Kay Bills Kazimi; Zia Kazimi; John Kinnick; Douglass Krebs; Vicki Krebs; Celeste Lay; Dennis Lay; Ryan Lay; Isaac Lay; MaryAnn Lay; Olivia Lay; Thomas S McCullough; David Meador; Sherry Meador; Mac Minard; Kristin Minard; Kelly Patzer; David J. Peck (Trustee) Sharp MPP Plan/PSP Plan; John Pfeifer; Sheila Pfeifer; John Rasmann; Roberta Rasmann; Janet Schossow; Mike Schossow; Pete Stiles; Robert Stimpson; Elizabeth Waal; Beatrice Warren; Bob Warren; Edward Warren; and Gil Warren. This petition was initially filed with the Clerk and Recorder and certified on January 11, 2008 as a Petition For Abandonment of County Road within Jefferson County, Clarks Gulch/Clarks Creek Road. The description of the subject County road is set forth as follows:

It is a road that generally trends through Sections 15, 16, and 17, Township 9 North, Range 3 West running from Montana City to a point in Section 17, Jefferson County, Montana.

Said road is further described by the attached map with the said road depicted in blue and the abandoned portion extends from its intersection with the present County Road (Jackson Creek Road) in Section 15, 9 North, 3 West, near the junction with Jackson Creek Road and Clark Creek Road, on or near the boundary of the NW1/4 of the SW1/4 of Section 15, Marked with an X, extending generally southwest/northeast through Section 16, 9N, 3W, to the section line between 16 and 17, where it trends generally northwest/southeast across section 17, 9N, 3W to a point located near the southeast corner of the NE1/4NE1/4NW1/4 Section 17, Township 9 North, Range 3 West, also marked with an "X". Said road petitioned for abandonment does not include abandoning any right of way of either Jackson Creek Road nor Hill Brothers Roads, nor Picayune Road, Jefferson County Roads that are not being abandoned.

Pursuant to Title 7, Chapter 14, Part 26, MCA, the Board made a preliminary review of the subject Petition on January 15, 2008. The Petition was certified by the Clerk and Recorder and the Board found that the petition was submitted by a majority of the landowners affected by the road petitioned to be closed within Jefferson County and found that said petition described the particular portions of the road thereof to be abandoned, the general route thereof, and the lands and owners affected by the proposed abandonment.

The Board further determined that the consent of the owners of the affected lands was endorsed upon the Petition by their execution of the same and that the Petition set forth the necessity or an advantage of the petitioned action. That advantages listed by the Petitioners included removing the road from the Jefferson County record, removing the road from the County roles for the purposes of having to conduct maintenance and construction, the road has not been in use for an extended period of time, is not visible any place on the ground, and the road is not necessary, in that, there is an improved gravel road that accesses the residents and properties at the head of Jackson Creek in present time via Jackson Creek Road and Hill Brother's Road..

Therefore, the Board ordered that the feasibility, desirability, and cost of granting the prayer of the Petition, and the merits or demerits of the proposed abandonment be investigated. In this regard, the Board appointed Commissioner Ken Weber as acting Road Supervisor and County Commissioner and Melissa Morris, as the GIS technician for the County to conduct the

investigation. On February 15, 2008, Commissioner Weber and Melissa Morris reported that they investigated the merits of the petition and recommended that the petition be granted.

The Board considered the Petition and the findings of Commissioner Weber's and Melissa Morris's investigation. Commissioner Weber moved to approve the closure of said road, hereinafter described:

It is a road that generally trends through Sections 15, 16, and 17, Township 9 North, Range 3 West running from Montana City to a point in Section 17, Jefferson County, Montana.

Said Road is further described by the attached map with the said road depicted in blue and the abandoned portion extends from its intersection with the present County Road (Jackson Creek Road) in Section 15, 9 North, 3 West, near the junction with Jackson Creek Road and Clark Creek Road, on or near the boundary of the NW1/4 of the SW1/4 of Section 15, Marked with an X, extending generally southwest/northeast through Section 16, 9N, 3W, to the section line between 16 and 17, where it trends generally northwest/southeast across section 17, 9N, 3W to a point located near the southeast corner of the NE1/4NE1/4NW1/4 Section 17, Township 9 North, Range 3 West, also marked with an "X". Said road petitioned for abandonment does not include abandoning any right of way of either Jackson Creek Road nor Hill Brothers Roads, nor Picayune Road, Jefferson County Roads that are not being abandoned.

The Board found that the granting of the relief sought in the Petition was in the best interest of the County, was both feasible and desirable for the use and benefit of the public, would not cause any increase in costs to the public, and could be done without detriment to the public interest. Further, the Commission found that there is alternative access to BLM property via Jefferson County road, Holmes Gulch and from Tucker Gulch a county road originating in Lewis and Clark County. Taking those two roads provides access to the Big Indian Mine Road a Jefferson County Road that accesses Joe Schmaus property and BLM property. Holmes Gulch and Tucker Gulch also provide access to the remainder of Clark Creek/Gulch roads not abandoned which also provide access to Schmaus property and BLM property. Further, per Fifth Judicial District Court Stipulated Order dated June 1, 2004 in DV-02-10027, there would also be access from Clark Creek Road from the west across Bompert's land into BLM property via the created easement in settlement of that court case.

Upon such basis, the Board determined that the Petition should be granted and that an appropriate Order should be entered.

Therefore **IT IS HEREBY ORDERED** as follows:

1. That the Petition of and by Rick Abraham; Theresa Abraham; Gayle Allen; Scott Allen; Paula Anders; Nicole Anderson; Joe Angell; Meg Angell; Jeff Applin; Elaine Applin; Ashgrove Cement by Richard Johnson; Jessica Bailey; Bruce Bannon; Mary Ann Bannon; Ted Bigart; Susan Bigart; Cathy Brimhall; Dan Brimhall; Raymond Cope; Cheryl Cope; Rory Copeland; Greg Duncan; Ann Felstet; Tom Felstet; Rickerd Felstet; Margaret A. Felstet; Thomas Felstet; Ann Felstet; Cheryl Fraser; Larry Goll; Barbara Goll; Gayle Grimsrud; Vernon Grimsrud; Dorthy Hill by Jim Hill w/ POA; Henry Hudson; Karen Hudson; Carolyn Jensen; Neils Jensen; Russell Katherman; Jennifer Katherman; Kay Bills Kazimi; Zia Kazimi; John Kinnick; Douglass Krebs; Vicki Krebs; Celeste Lay; Dennis Lay; Ryan Lay; Isaac Lay; MaryAnn Lay; Olivia Lay; Thomas S McCullough; David Meador; Sherry Meador; Mac Minard; Kristin Minard; Kelly Patzer; David J. Peck (Trustee) Sharp MPP Plan/PSP Plan; John Pfeifer; Sheila Pfeifer; John Rasmann; Roberta Rasmann; Janet Schossow; Mike Schossow; Pete Stiles; Robert Stimpson; Elizabeth Waal; Beatrice Warren; Bob Warren; Edward Warren; and Gil Warren is hereby granted.

2. That the portion of the said Jefferson County road which is abandoned by this Order is more particularly described as:

It is a road that generally trends through Sections 15, 16, and 17, Township 9 North, Range 3 West running from Montana City to a point in Section 17, Jefferson County, Montana.

Said Road is further described by the attached map with the said road depicted in blue and the abandoned portion extends from its intersection with the present County Road (Jackson Creek Road) in Section 15, 9 North, 3 West, near the junction with Jackson Creek Road and Clark Creek Road, on or near the boundary of the NW1/4 of the SW1/4 of Section 15, Marked with an X, extending generally southwest/northeast through Section 16, 9N, 3W, to the section line between 16 and 17, where it trends generally northwest/southeast across section 17, 9N, 3W to a point located near the southeast corner of the NE1/4NE1/4NW1/4 Section 17, Township 9 North, Range 3 West, also marked with an "X". Said road petitioned for abandonment does not include abandoning any right of way of either Jackson Creek Road nor Hill Brothers Roads, nor Picayune Road, Jefferson County Roads that are not being abandoned.

**DATED** this 19<sup>th</sup> day of February, 2008.

**ATTEST:**

**BONNIE RAMEY  
CLERK AND RECORDER**

**KEN WEBER, CHAIR**

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**CHUCK NOTBOHM, COMMISSIONER**

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**TOMAS E. LYTHGOE, COMMISSIONER**

Commissioner Weber called for the vote. The motion carried, with Commissioner Lythgoe and Commissioner Weber voting aye and Commissioner Notbohm voting nay.

**DISCUSS AND DECIDE ON PURCHASE OF FINANCIAL MANAGEMENT SERVER**

Carl Purdy, IT Manager, stated that he is coming before the Commission to request more money. The financial management server needs upgrades. He had budgeted to upgrade a different server, but he is a bit short. Carl presented a breakdown of the figures. Carl said that he has \$10,500 to put towards this, and is short \$4,225. He directed their attention to the bid he received from CSA, the financial software provider. The cost of the equipment is competitive with a couple other vendors that he has spoken with. This price includes all of the software, staging the server, and transferring all of the data from the current server.

Commissioner Weber asked Carl if he got three bids on this. Carl stated that he spoke with two people to get price quotes. Carl stated that the big reason he wants to go with CSA at this point is that they are the software provider, they are the ones that keep complaining that the current server is inadequate; at this point he would like to say, "ok, make it adequate". If they come back in a few months saying that the server is inadequate, he will be able to come back with the fact that they sold this to him as adequate.

Commissioner Weber asked if Carl sees a potential problem with the notation on the quote that the costs for training and installation services are estimates. Carl stated that he isn't; they are looking at two or three nights of lodging and several meals. Commissioner Lythgoe stated that he and Carl have talked about this and the need for it. He was hoping that Carl had enough money in his budget to cover this. Carl stated that he came close, but there is a difference in the costs of the operating system and the Terminal Client Access Licenses with this server and the one that he had budgeted for.

Commissioner Lythgoe moved to approve \$4,225 towards the purchase of the server, using PILT. Commissioner Weber seconded. Commissioner Notbohm asked if this will take care of everything. Carl stated that he has a promise from them. The problem is that the software itself is generally referred to by IT guys as "bloat-ware". The developers see a lot of real estate out there that they can fill with software and they fill it; they see things that they can do and they do it. If you want to run it, you have to have their bigger, better server to run it on. At this point, CSA is determined to run everything in a terminal atmosphere, which means that all of the work is going on on the server and the computer that is sitting on your desk really isn't doing much other than sitting there looking at pictures. Carl stated that it is a management thing as much as



anything. The motion carried.

#### ROD CALDWELL - USGS GROUNDWATER QUALITY STUDY

Rod Caldwell, USGS, thanked the Commission for allowing him to come present the findings of the study that they conducted to test for uranium and other radioactive elements in Jefferson County ground water; funded by Jefferson County, the Jefferson Valley Conservation District and the USGS Cooperative Water Program. Rod presented a power point presentation outlining their findings. Initial study cost \$30,000, and they were able to come up with an additional \$20,000 to expand the program. The study was done to test the amount of uranium in the groundwater. Some wells were found to have very high levels of uranium. At the outset, their object was to collect an initial snapshot of radioactive element concentrations in Jefferson County ground water. Ground water is, in general, the sole source of drinking water in the county, with over 3,000 domestic wells supplying water to over half the population. Little is known about the water quality of these wells. Rod stated that uranium is a fairly common element. They sampled 40 wells in September 2007. 30 wells were randomly selected and 10 additional wells were selected to sample wells at various depths in a focus area in the Boulder batholith, verify prior results, include additional geologic units and they also got some requests from landowners who heard about the testing and requested that their well also be tested. Rod said that with the additional funding, they were able to expand their testing, to not only test for uranium, but for major ions, nutrients, and radon.

Rod explained the process of radioactive decay, and gave an overview of the wells sampled and the results. Of the 40 wells sampled, 5 exceeded the standards for uranium in drinking water. All of the tested wells found to have levels above drinking water standards are in the Boulder batholith, but Rod noted that there were also wells tested in the Boulder batholith that did not test high for uranium. Some questions remain – do they need to test more wells (40 of 3000), is there a need for more information regarding other radioactive elements (12 of 3000), do concentrations vary over time, can the occurrence of elevated radioactive elements be predicted, and how effective are treatment options are some of these questions.

Commissioner Lythgoe asked why someone would drill another well if their first one tested high. Rod stated that there is a chance that they could hit another aquifer, but there needs to be education that moving a few feet won't necessarily help. Commissioner Weber asked if people should contact Rod or the EPA directly for water quality mitigation. Rod stated that he will provide Megan Bullock, the County Sanitarian, with information from the EPA that can help. Commissioner Notbohm stated that a regular water test won't tell them everything, doesn't test for metals. Rod stated that this is correct. Commissioner Weber asked if he could get the treatment options to the newspapers. Rod asked that the Commission do that.

Commissioner Lythgoe asked if the study indicates that the wells in the Boulder batholith are going to have higher concentrations radon or uranium. Rod stated that the data would support that. Commissioner Lythgoe asked for the location. Rod answered that it underlies 30 to 35% of the county. Rod stated that they did have some higher elevations outside of the Boulder batholith, but the highest concentrations were within the Boulder batholith. Also, they didn't sample for the other radionuclides outside of the Boulder batholith. Rod stated that the Boulder batholith was most likely to have higher concentrations.

Commissioner Weber asked about the likelihood of being able to work together on similar studies in the future. Rod stated that this is a good possibility, and it would also be a good idea for the county to go elsewhere, such as the Jefferson Valley Conservation District, to look for grants. They have limited funds as to what they can match. Commissioner Weber asked if Headwaters was a good working relationship and avenue to use. Rod stated that it was. They have continued to provide information regarding funds available and information for the next legislature.

Commissioner Lythgoe asked if they could also study quantity. Rod stated that it is, and stated that it would be interesting, especially with more people moving into the area. Here we have a situation where most people are relying on private wells for drinking water, so quality and quantity could be an issue.

Mark Gornick stated that he lives in Clancy area and asked if he wanted to have his well tested, where can he go for that. Rod stated that if they got further funds, they could sample his well. In the meantime, the State Department of Health has a lab, and the County Sanitarian also has water testing available. Commissioner Notbohm noted that there is also an independent lab in Helena that can also do the testing.

Commissioner Lythgoe stated that he is very appreciative to the DNRC and feels that this was very worthwhile and we should pursue whatever we can to expand on this study. Mark asked if this information come out in Commissioner Weber's newspaper article. Commissioner Weber stated that this info will be disseminated. Mark noted that there are several watershed groups that meet. Commissioner Lythgoe stated that when they first started talking about this, they did talk about water quantity. He asked what kind of money they would be talking about to do a study in the areas that are experiencing growth. Rod stated that this is a difficult question to answer; it would depend on the detail. It could go into hundreds of thousands. Depending on the scope, it could be millions. They would want to delineate a focus area, come up with questions and conduct your study from there. It could be a three to five year study. Mark noted that for this study, it came to about \$1,500 per well.

Rod stated that there have been questions regarding getting this information out to the public. Today, he had three news reporters interviewing him, and it will probably be on the news tonight. He will also be talking at Prickly Pear Watershed meeting Thursday night. As for costs associated with the study, a lot of it was analytical costs.

Commissioner Weber stated that they very much appreciate their time and work. Commissioner Lythgoe asked how much time they typically spent on a well head. Rod stated that typically could do three to four wells in a day. There was also up front work to be done to compile and verify data, and a lot of safeguards to make sure that data is good. Mark asked about the identifiers on the well data. Rod stated that they are numbered, not names, but the well location will be listed, so if someone really wanted to find out whose well it is, they could.

#### DISCUSS AND DECIDE ON CONTRACT FOR ELEVATOR MAINTENANCE

Commissioner Weber stated that we have been operating without a maintenance contract for the elevator for several years. We now have a contract, which gives an option to extend our agreement with savings based on the amount of time that extends contract. We can save 3% if

we extend the contract for 10 years, 5% for 15 years and 7% for 20 years. This is the same company that has been doing our maintenance; they are familiar with the elevator and can get parts. The contract is for \$400/month.

Commissioner Lythgoe asked if there is anyone else that could provide maintenance. Commissioner Weber stated that according to Cathi, there isn't. Commissioner Lythgoe moved to enter into the contract year to year. Commissioner Notbohm seconded. The motion carried.

RESOLUTION 07-2008 ADOPTING (REVISED) CRITERIA FOR LOCAL  
DETERMINATION OF EVASION OF THE SUBDIVISION AND PLATTING ACT AND  
SUBDIVISION AND SANITATION ACT

Bonnie stated that, as discussed at the previous meeting, they are asking that it be put in the certificate of survey exemption criteria that taxes are to be paid in full on a bond if they decide to do anything to their piece of ground as it is at the time the bond was sold. She stated that she received confirmation earlier in the day from Kelly Casillas that she agrees with how we interpreted this statute, that we are able to require payment in full. Everyone seems to be in agreement that this is the right thing to do. Commissioner Weber stated that it sounded like from Kelly's correspondence that we are supposed to be doing this. Bonnie stated that they want everyone to know up front should they decide to do a relocation, common boundary family conveyance or any of those other exemptions that they have to pay up front in full. Commissioner Lythgoe moved to adopt the resolution. Commissioner Notbohm seconded. The motion carried.

Bonnie stated that she is also in attendance about the purchase of the financial management server. Commissioner Weber stated that this has already been dealt with and they decided to use PILT. Bonnie stated that they she may have some funds available. She will review her budgets and get back to the Commission.

DISCUSS AND DECIDE ON USING GREAT WEST ENGINEERING TO WRITE A RFP FOR  
ARCHITECTURAL NEEDS ON THE FORMER WAGNER BUILDING

Bill Lloyd of Great West Engineering presented a quick, preliminary RFP to work off of. They have worked with other clients in the past to obtain architectural services. Bill stated that he reviewed several of the past RFP that they have put together and this would be a starting place. Typically they provide this service at no cost, assist in bringing an architect on board, and attend pre-construction meetings. They can also assist with answering questions. This is just a starting point to get things moving in the right direction. Commissioner Weber stated that they will take some time to read through this, develop some questions and work from there. Bill stated that they should let them know when they are ready to move forward and what type of meeting they want to have – outside or at a regular Commission meeting. Commissioner Lythgoe suggested that it be special meetings related to this specifically.

DISCUSS AND DECIDE ON COMMISSIONER TO ATTEND JOE SCHMAUS ~VS~  
JEFFERSON COUNTY MEDIATION

Commissioner Weber stated that Matt had sent out a memo requesting that one of the Commissioners attend the Schmaus mediation with him. This is scheduled for March 13<sup>th</sup> in

Helena, probably in the morning. Commissioner Weber moved that he attend. Commissioner Lythgoe seconded. The motion carried.

#### DISCUSS CHANGING THE COUNTY LOGO

Commissioner Lythgoe stated that the Commission has been discussing changing the county logo for some time. "Undiscovered in Between" makes no sense. The JLDC has been in the process of developing a new logo. Their first round of research came up with 6 logos, and the second round came up with 4 that they will choose from. One thing that they didn't want that showed up in the first set was the courthouse. He felt that as a start, they could look at what they threw away, and see if there is anything in particular that we could work with. Commissioner Weber asked if these are copy written, and if we need to be working with the group that developed them. Commissioner Lythgoe stated that he thinks that they are. Commissioner Notbohm stated that he likes the one with the courthouse, but feels that it should depict mining, etcetera, also.

Commissioner Weber asked if there has been any discussion about bringing the design group to the Commissioners to discuss this. Commissioner Lythgoe stated that there hasn't been; he has only asked that the county be kept in mind for the development of a new logo also. He stated that if they provide input that we would like the courthouse but also showed mining, etcetera, he thinks they would work with that. He asked how they would like to pursue this and if he should contact Tara. Commissioner Weber stated that the cost should be discussed. Commissioner Lythgoe stated that he will contact Tara.

#### DISCUSS NARRATIVE ON THE COUNTY WEB PAGE

Commissioner Lythgoe stated that he thinks that the county web page needs some updating. Commissioner Lythgoe stated that he feels it would be appropriate to have Jan work with Carl to update the webpage. Commissioner Weber noted that he is not sure that Carl is concerned with what it says. Commissioner Lythgoe agreed, and suggested that they just hire Jan to spruce it up.

#### APPOINT BOARD MEMBERS

Commissioner Lythgoe moved to reappoint Bill Gillespie to the Weed Board. Commissioner Notbohm seconded. The motion carried.

This item will be on the next agenda also.

Commissioner Lythgoe moved to adjourn. Commissioner Notbohm seconded. The motion carried.

#### **MEETING ADJOURNED**

#### **ATTEST:**

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**BONNIE RAMEY**  
**CLERK AND RECORDER**

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**KEN WEBER, CHAIR**

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**TOMAS E. LYTHGOE, COMMISSIONER**

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**CHUCK NOTBOHM, COMMISSIONER**